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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 April 1998, at 10 a.m.

Chairman: Mr. GALLEGOS CHIRIBOGA (Ecuador)
(Vice-Chairman)

later: Mr. SELEBI (South Africa)
(Chairman)

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In the absence of Mr. Selebi (South Africa), Mr. Gallegos Chiriboga (Ecuador), Vice-Chairman, took the Chair.

The meeting was called to order at 10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

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1. Ms. KABAMBA (Democratic Republic of the Congo), replying to the statement by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, asked why the Special Rapporteur's report (E/CN.4/1998/65), dated 30 January 1998, had been circulated only one day before its presentation to the Commission and why her Government's note verbale (E/CN.4/1998/149), dated 10 March 1998, had been circulated only two days previously. She strongly recommended the members of the Commission to take note of the review contained in the latter document of the situation inherited from the previous regime and of the current Government's human rights activities.

2. The tone of the Special Rapporteur's report was very aggressive. He failed to give due weight to the socio-economic and political context, which necessitated urgent and courageous action to restore public order and security, and seemed to imply that President Kabila was following in the wake of his predecessor. As all objective observers acknowledged, the era of impunity was drawing to a close and perpetrators of human rights violations were being punished under both judicial and administrative procedures. Galloping inflation had been reduced through fiscal discipline to acceptable proportions and practical action had been taken to promote the economic independence of women so that they could become involved in reconstruction.

3. Her Government did not assert that the human rights situation was unblemished but most of the allegations against it were unsubstantiated or came from unreliable sources. It was resolutely pursuing a policy of promoting human rights in cooperation with the Kinshasa Office of the High Commissioner for Human Rights and she invited the Commission and the international community to recognize and support those efforts.

4. Mr. LALLAH (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (E/CN.4/1998/70), said that the Myanmar authorities continued to deny him permission to enter the country, having dissociated themselves from the Commission's decision to appoint a Special Rapporteur. He had analysed that position and shown it to be untenable in paragraphs 7 to 11 of his first interim report to the General Assembly (A/51/466). Those authorities had likewise failed to comply with Commission

and General Assembly resolutions adopted over the past two years calling on them to cooperate fully with him and ensure his access to Myanmar without preconditions. They had, however, indicated that a visit would be possible at a mutually convenient or appropriate time and he earnestly hoped that such a time would soon be found.

5. A number of positive developments had occurred during the previous year. Myanmar had ratified the Convention on the Elimination of All Forms of Discrimination against Women. Order No. 1/97 had commuted death sentences and reduced the term of imprisonment for certain offences. It was unclear, however, whether the Order applied to political prisoners and he was unable to say how many prisoners had benefited. A few colleges and universities had reopened but educational activity was still at a low ebb.

6. The political activities of the representatives elected by the people of Myanmar in 1990 continued to be severely restricted. The denial of the exercise of political rights remained the root cause of the most grave human rights violations. An exploratory meeting to initiate a political dialogue between representatives of the military regime and some representatives of the National League for Democracy (NLD) had taken place in July 1997, but a scheduled follow-up meeting in September 1997 had not materialized. In November 1997, the State Law and Order Restoration Council (SLORC) had reconstituted itself as the State Peace and Development Council (SPDC). Representatives of the regime had met some NLD representatives the following month, but there were no indications of any progress towards a genuine political dialogue or the early establishment of democratic governance.

7. The pattern of human rights violations continued: criminalization of political activity, harassment of political leaders, arbitrary arrests and detention on political grounds, and severe restrictions on freedom of expression, association and movement. Forced labour continued to be practised throughout the country. In ethnic areas, forced displacement continued in connection with development projects and counter-insurgency operations. Extrajudicial, summary and arbitrary executions, torture, and abuse of women and children were said to be common practices in some areas, resulting in persistent flows of refugees to neighbouring countries.

8. U AYE (Observer for Myanmar) drew attention to the positive developments in Myanmar mentioned in the Special Rapporteur's report (E/CN.4/1998/70), such as the positive interaction between the authorities and legally constituted political parties, cooperation with United Nations human rights bodies, commutation of death sentences and reduction of terms of imprisonment and ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

9. In general, however, the report lacked balance because it was based primarily on misinformation provided by sources hostile to the Government and either dismissed or dealt only cursorily with the information given by authoritative sources. The fact that the Special Rapporteur had been unable to visit the country in no way justified the ritual repetition of a litany of unproven allegations. A visit had not yet been authorized because the unjust

portrayals of the situation in Myanmar contained in previous reports had led the authorities to question whether such exercises were truly conducive to the promotion of human rights.

10. The current transitional Government in Myanmar was committed to building a peaceful and prosperous multi-party democracy and was encouraging numerous legally constituted political parties to function in an orderly manner. It was only when individuals or political parties transgressed legal bounds and threatened peace and security that the Government was compelled to intervene. In that connection, he drew attention to his delegation's note verbale (E/CN.4/1998/150).

11. The successes achieved by the Government in enforcing the right to development had not been mentioned in the Special Rapporteur's report. For example, it had successfully persuaded many armed groups, except one with which it was still negotiating, to return to the legal fold. Those groups were currently developing their respective areas for the benefit of their communities.

12. His Government was determined to prevent all forms of infringement on its country's sovereignty while continuing to interact with the United Nations in promoting and protecting human rights. He pointed out that senior government officials had been engaged in a productive dialogue with the Secretary-General and his representatives.

13. Mr. Selebi (South Africa) took the Chair.

14. Mr. BÍRÓ (Special Rapporteur on the situation of human rights in the Sudan), introducing his report (E/CN.4/1998/66), said that he had visited the Sudan from 2 to 10 September 1997 and had continued to receive detailed information on all categories of human rights abuses until the date of finalization of his report, namely, 13 December 1997.

15. The overall human rights situation had not improved and there had been a significant deterioration in some areas, particularly in the humanitarian situation, the situation of women and children, restrictions on freedom of religion and atrocities committed against religious communities by government agents or sympathizers.

16. In the southern Sudan, hundreds of thousands of people were starving and aid efforts were hampered by government insistence that all aid flights should be cleared a month in advance. Although the ban on flights to certain locations had recently been lifted, aid workers had described the move as too little and too late. According to some estimates, about 1.6 million people could face famine until the summer of 1999.

17. The Government's conscription drive in the north continued to create serious frustration among the population. Most of the conscripts were students, and poorly trained units of new recruits had reportedly been sent to the battlefield. A particularly notorious incident involving 50 women protesting peacefully against the forced conscription of their male relatives was described in paragraph 42 of the report. The answer received from the Government of Sudan to an appeal signed by four of the Commission's special

rapporteurs had been completely inadequate. A few days previously, some Khartoum newspapers had reported that 52 student conscripts had been drowned on 2 April 1998 while trying to flee a military camp outside the capital. That figure had been given by the Government, though reports by opposition groups put the number of the dead at 260.

18. While certain positive developments in the Government's relationship with the Special Rapporteur were to be welcomed, it should be borne in mind that such cooperation was but one aspect of the complex and sensitive human rights situation. In recent weeks, the Government had met representatives of the Office of the High Commissioner for Human Rights to begin assessing ways of improving communication, the flow of information, independent verification of reports of human rights violations, technical assistance and monitoring.

19. Preliminary findings indicated that there was a genuine opportunity to achieve practical results in at least some of those areas and his report contained a number of recommendations in that regard. As that was a process that called for specific skills and a different approach from the one he had adopted, he had decided to conclude his work as Special Rapporteur and wished every success to the new incumbent of the post.

20. Mr. IDRIS (Sudan) said that the conclusions and recommendations of the report of the Special Rapporteur on the human rights situation in the Sudan (E/CN.4/1998/66) were not warranted by the facts on the ground and that the alleged human rights violations related to the broader context of the armed conflict in the south of the country.

21. His Government's efforts to resolve the conflict had led to the conclusion of the Sudan Peace Agreement in April 1997 with all rebel factions except that of John Garang. The Agreement granted the right to self-determination and freedom of religion and belief; the Sudan was recognized as a multiracial, multi-ethnic, multicultural and multi-religious society; Shari'a and custom were to be sources of legislation; provision was made for human rights and freedoms, including democracy and independence of the judiciary; wealth and power were to be shared, with special allowances for the south.

22. In an effort to persuade the Garang faction to join the peace process, the Government had recently accepted the Declaration of Principles formulated by the Inter-Governmental Authority on Development (IGAD) in 1994 as a basis for negotiations. A further round of talks with the faction was scheduled for the end of April 1998 and the Government had called a ceasefire to ensure that they took place in a congenial atmosphere.

23. Following the dissolution of the Revolution Command Council and the appointment of a Transitional National Assembly, free and fair presidential and parliamentary elections had been held in 1996. A new draft constitution containing a comprehensive bill of rights was to put to a referendum on 26 April 1998.

24. The government-appointed Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery had submitted two reports to the Special Rapporteur refuting all allegations of slavery and

disappearances. The Special Rapporteur had been given the opportunity to investigate slavery and related practices in September 1997 and the Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery had been invited to visit the country. Human rights activists from abroad had also been allowed to conduct investigations.

25. The Special Rapporteur welcomed the establishment by the Government of a number of sub-committees to deal with different categories of allegations of human rights violations (para. 51), developments regarding the issue of street children (para. 65) and the efforts to improve communication between the Government and the Office of the High Commissioner (para 69). It was hardly accurate of him to conclude, therefore, that the human rights situation had not improved. The Commission should thus disregard all references to violations of human rights in the report unless the evidence was also given.

26. The Special Rapporteur had overstepped all bounds in accusing the Sudanese Government (para. 35) of supporting the Lord's Resistance Army (LRA) on the basis of "well-founded reports" which he did not trouble to identify. The Government held the Special Rapporteur fully responsible for that political statement and its implications. The Government condemned the abduction of children from northern Uganda by the LRA. The United Nations Children's Fund (UNICEF) had acknowledged with gratitude its assistance in returning some of those children to their homes in Uganda.

27. Human rights violations occurred in the Sudan, as elsewhere. The crucial question was how the Government responded. In one recent case, six police officers accused of torturing a person to death had been tried, found guilty and sentenced to death. In another case, the High Court had recently quashed the convictions and sentences of two political detainees. Those two examples alone gave the lie to the Special Rapporteur's assertion that the human rights situation had not improved.

28. His delegation called for technical assistance to maintain the momentum of those improvements, since scarce resources were the Government's main handicap. The Commission had recognized the need for such assistance as early as 1991, but none had been forthcoming. The requests for technical assistance needed an urgent positive response and, in the meantime, the Special Rapporteur should realize that repeating the same report year after year was not the best way to build a country's human rights institutions.

29. With respect to the incident on 2 April 1998, when 52 conscripts had died while escaping from their training camp near Khartoum, he wished to inform the Commission that a committee of inquiry had concluded that the cause of death had been drowning, when an overloaded boat had capsized in the Blue Nile, and not, as alleged in some circles, being shot in the back by camp guards.

30. Mr. KRYLOV (Russian Federation) said that the designation of 1998 as Human Rights Year had given his country the opportunity to address some outstanding issues, not least the inculcation of a broader human rights culture in Russian society. One of his Government's main concerns was the

fate of the millions of Russians living outside the country and it would do its utmost to protect their rights. It was to be hoped that the international organizations would pay continuing attention to the issue.

31. His delegation was concerned at the human rights situation in the States of the Former Yugoslavia. The High Commissioner and the international community should do more to ensure that human rights became an integral aspect of political and social culture in all those new countries, particularly Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

32. His delegation supported a political settlement of the question of Cyprus on the basis of that country's territorial integrity. It was regrettable that there had been no progress and, in some respects, even a deterioration in the situation. Of particular concern were the restrictions on freedom of movement in the north of the island, the violation of Greek Cypriots' ownership rights and the fact that the issue of missing people had not been resolved. Both sides should be constructive and show good will. All United Nations resolutions on the question of Cyprus should be complied with as a matter of urgency.

33. After many years of internecine war, Afghanistan still gave cause for concern. The situation threatened to destabilize the whole region. Gross violations of human rights and increasing discrimination, particularly against women and girls, were largely, it seemed, perpetrated by the Taliban. The country's future could not be decided by war. All sides should engage in dialogue, of which human rights should be an integral part. His Government was prepared to continue providing humanitarian aid for the suffering people of Afghanistan and urged all parties, particularly the Taliban authorities, not to hinder the delivery of supplies or jeopardize in any way the safety of humanitarian workers.

34. Despite the efforts of the international community, the situation in the Great Lakes region of Africa remained critical. The human rights situation would depend largely on how the problem of impunity was dealt with. The Human Rights Field Operation in Rwanda (HRFOR) should step up its efforts and the Government of Rwanda should make the fullest possible use of its potential for strengthening the national human rights infrastructure. In Burundi, too, human rights were crucial to the peaceful settlement of the internal conflict in that country.

35. With regard to the situation in the Democratic Republic of the Congo, his delegation fully supported the view of the joint mission, as contained in its report (E/CN.4/1998/64), and of the investigation team established by the Secretary-General that there should be further investigation of the massacres in that country. The Government should provide all possible facilities.

36. Human rights violations occurred in every country under the sun, but unfortunately the international community could not always find the right way to help in conflict situations. If the Commission were able to react quickly to a change in a given country situation, its working methods would be transformed. The Commission should not spend its time on resolutions castigating this or that country. Stress should be put on positive

developments. Double standards, whereby some countries were closely scrutinized while gross human rights violations went unnoticed in others, were completely unacceptable.

37. Mr. HYNES (Canada) said that, through acts of brutality and repression, some States placed themselves outside the community of shared values expressed by the Universal Declaration of Human Rights. One example was Iraq; another was Myanmar. Many others attempted to pick and choose which human rights standards to observe, like the Taliban regime in Afghanistan, which brazenly violated the human rights and fundamental freedoms of women, and Iran, with its relentless persecution of the Baha'is.

38. Respect for all human rights was the only truly durable foundation for development. It was inconsistent for countries to say that human rights were interrelated, interdependent and indivisible, as China did, or to speak of all human rights for all, as Indonesia did, when basic tenets such as freedom of expression and of association were not respected. In East Timor, a firm and lasting commitment to respect for all human rights and fundamental freedoms would be an essential foundation for any durable solution.

39. Some States, like the Sudan and Nigeria, had refused any real cooperation with United Nations mechanisms investigating human rights violations, as had Cuba, although the recent release there of a number of political prisoners and the easing of restrictions on religious freedom had been positive steps.

40. His delegation was encouraged by China's declaration that it intended to sign the International Covenant on Civil and Political Rights and urged swift action to ratify both it and the International Covenant on Economic, Social and Cultural Rights. Conversely, the attempt by the Democratic People's Republic of Korea to denounce the International Covenant on Civil and Political Rights was disturbing: that Government remained fully accountable under the Covenant.

41. Algeria was one of a number of countries where terrorist or guerrilla groups were responsible for grave violations of international humanitarian law. The need to combat such groups did not, however, lessen the need to prevent impunity for human rights violations committed by government forces or their paramilitary allies. The same applied to Colombia; the Government's willingness to work with the High Commissioner on addressing those and other human rights concerns was therefore welcome. In Sri Lanka, too, the Government must ensure that those committing human rights violations were brought to justice.

42. Some argued that human rights were a purely internal matter, but the error of that view was shown by the destabilizing effect that the 1994 genocide in Rwanda had had on a whole region, producing massive refugee flows and acting as a catalyst for conflict in neighbouring countries. Such tragedies stemmed directly from the failure of Governments and the international community to take decisive action to prevent human rights abuses. Respect for the rule of law was essential in dealing with those accused of human rights violations in Rwanda, whether civilians or soldiers.

43. In the Democratic Republic of the Congo, where his delegation was deeply concerned at recent incidents involving members of the Secretary-General's investigation team, progress towards democratization and establishing the rule of law would be a vital step towards regional stability. In Burundi, breaches of international humanitarian law by both the military regime and opposition forces had created a vicious spiral of violence which hindered the vital search for a negotiated solution. Full respect for human rights obligations would likewise be an essential component of any long-term solution in the Congo, in the aftermath of the violent overthrow of that country's democratically elected President.

44. In many ways the issues were the same in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. Of particular concern were impunity for violations of human rights and humanitarian law and respect for minority rights. In Kosovo, discrimination against ethnic Albanians and the brutal tactics employed by the security forces had once again fanned the flames of ethnic tension and threatened the stability of the region.

45. The Universal Declaration remained as relevant and important as ever. Its principles provided the ultimate standard of legitimacy and effectiveness for Governments - a standard against which all, including that of Canada, were measured and sometimes found wanting. The ultimate test of the Commission's effectiveness would be progress in collectively addressing such shortcomings and securing universal realization of the principles of the Universal Declaration.

46. Mr. JAKUBOWKSI (Poland) said that public debate in the United Nations on human rights violations was not only a moral imperative but in many instances produced tangible results. His delegation spoke from experience. It was inappropriate to see such a debate as politicization or confrontation, although thought should continuously be given to how it should be conducted.

47. Human rights violations were perpetrated for various reasons. Not all were directly attributable to Governments and the debate should reflect that fact. Governments, for their part, should avoid using the Commission as a forum for addressing their domestic constituencies. In so doing, they only gave the enemies of human rights a pretext for accusations of double standards, ultimately weakening the Commission.

48. Totalitarian or authoritarian regimes were a case apart. In the former, an utter disregard for human rights was enshrined in every aspect of the system, as in the case of nazism and communism, including one of the few communist remnants, the Democratic People's Republic of Korea. In authoritarian States - Iraq, Nigeria and a number of others - the power of the ruling clique took precedence over the rights of citizens. In all such States, the regimes were unwilling to accept the principle of international cooperation, since it would lead to democracy, the best protection for human rights. Instead, they regarded public debate as interference in their domestic affairs, subversive activity, international conspiracy, imperialism or other attacks on their political stability. The debate, however, should continue documenting patterns of continuous violations and insisting on the right of international scrutiny.

49. His delegation deplored the fact that the trend towards democracy had made no headway in Belarus. As a Member State of the United Nations and of the Organization for Security and Cooperation in Europe (OSCE), that country should do everything necessary to comply with those organizations' principles in the sphere of human rights.

50. Public debate was also necessary to provide assistance in countries where Governments had little control over the lack of respect for human rights rooted in particular cultures, religions or economic circumstances. It should also expose and frustrate attempts by Governments to use such cultural aspects as a smokescreen for their own acts of omission or commission. Wherever feasible, programmes of technical assistance should be devised to alleviate the situation of countries which lacked the means to uphold human rights.

51. The international community had a particular duty to consider human rights violations in countries where there was a near total implosion of governmental authority, such as Somalia, Rwanda or Afghanistan, and should act decisively to uphold human rights standards there.

52. Armed conflicts required yet another approach. Side by side with political action and humanitarian assistance through the Security Council and other bodies, the Commission should reflect on the scope and effectiveness of international reaction to the conflict. In the Former Yugoslavia, for example, the delay in officially recognizing the right to self-determination of its constituent nations had arguably contributed to the prolongation of the conflict.

53. Mrs. FLÓREZ PRIDA (Cuba) said that, with agenda item 10, the Commission had reverted to the selective rhetoric that it had hitherto eschewed at its current session. Countries set themselves up as judges, criticizing some and exculpating others. Countries of the South, such as Cuba, were not, however, attracted by the democratic panacea of the North, where consumption was unsustainable and political systems were undergoing crisis. "The American dream" remained a tragic nightmare for vast sectors of the population of the United States, who suffered blatant discrimination. There were 36.5 million United States citizens living below the official poverty line; 16 per cent of white children and 41 per cent of black children were born in poverty.

54. The judicial and penitentiary system in the United States gave the most representative picture of the true human rights situation there. One in every 194 citizens was in prison; African-Americans, who amounted to 12 per cent of the population, formed 43 per cent of the prison population and 41 per cent of those executed.

55. In the European Union, which had tried to settle the problems of the South in a speech lasting 40 minutes, there were diverse violations that caused concern, including racism, xenophobia, violations of the rights of immigrants and minorities and unfair deportation policies.

56. Her delegation urged Japan to undertake a policy of closer cooperation with United Nations human rights mechanisms, particularly the Sub-Commission's Working Group on Contemporary Forms of Slavery.

57. In Canada, with which Cuba enjoyed a constructive dialogue on human rights issues, the impressive level of economic development had failed to benefit the country's indigenous peoples.

58. Cuba was proud of its democracy, which ensured every Cuban direct participation in the decision-making process, but it did not seek to make its experience a doctrine or a model to be followed. It merely claimed the same respect that it extended to the models it disliked. The anti-Cuban campaign on human rights and democracy was directed by the United States, which sought to prove that the Cuban revolution was incompatible with the so-called values of liberal democracy. Once the blockade was lifted, serious disagreements would still linger, but at least the Commission would not engage in the annual sterile exercise of adopting a resolution condemning Cuba.

59. Mr. NZE (Congo) said that the human rights situation in the Congo must be appreciated in the context of the past five years of its political history. The process of democratization initiated by President Sassou-Nguesso had led to elections in 1991 but the hopes for the democratic process were dashed when, after Mr. Lissouba had come to power, the country had been plunged into confrontation and civil war. In 1994, at the Forum on the Culture of Peace, many human rights violations committed by the former regime had been sanctioned. The persistence of such violations by the Government, even though it had been democratically elected, had brought the Congo into another civil war from June to October 1997. Failing a peaceful resolution of the crisis, military action had become the only solution.

60. The armed conflict had caused massive violations of human rights and, unfortunately, the end of the armed conflict had not put an end to all violations. The continuing violations were, however, the work of some elements of former private militia or armed criminal bands. They sometimes also resulted from police action taken in self-defence.

61. In an effort to restore the rule of law, his Government had released several individuals improperly held in police stations. It agreed with the Special Rapporteur that the perpetrators of human rights violations must be identified and brought to trial and also intended to compensate the families of victims. A mechanism had been established to identify and assist the victims of the two civil wars.

62. In the aftermath of the war, a Government of national unity had been established comprising all the components of political life, including the political parties that had supported the former President. A Forum for Unity, Democracy and Reconstruction had been held in January 1998 with the objective of national reconciliation and renewal of the democratic process. No political parties had been dissolved; freedom of opinion and expression were guaranteed, human rights NGOs operated freely and freedom of movement was respected even in the case of former leaders who had decided to remain in the Congo.

63. The building of a State subject to the rule of law, and the promotion and protection of human rights, were the major concerns of his Government in the current critical phase of national reconstruction, as being the basic

prerequisites for durable peace and sustainable development. It requested the assistance of the international community in support of its efforts.

64. Mr. EL NASRI (Sudan) said that confrontational attitudes in dealing with human rights issues could discourage the process of protection and promotion of human rights and make it difficult to build the consensus necessary for their full realization. In Sudan, the signing of the peace agreement in April 1997 and of the Nuba Mountain and Fashoda Peace Agreements constituted a milestone in the pursuit of a lasting and peaceful solution to the conflict in southern Sudan by granting the right to self-determination to the people of the south and ensuring their fundamental rights. Another milestone was the new constitution, which would contain a bill of rights as one of its most important features.

65. His delegation believed that the role of NGOs in the work of the Commission should be re-evaluated. It was becoming a regular practice for them to use the Commission to attack certain States for their own subjective purposes. A case in point was Christian Solidarity International, which had used the Commission to incite hatred among the various religions practised in the Sudan by circulating unwarranted allegations of slavery. Such organizations should be held accountable for what they said in the Commission.

66. Ms. KUNADI (India) said that the current agenda item was of the utmost importance because it focused attention on situations where human rights and fundamental freedoms were being violated. Clearly, the Commission's success in addressing the item had a crucial bearing on its credibility and effectiveness. The approaches adopted in the recent past, however, must be re-evaluated. The selectivity resulting from politicization and the pressures generated by condemnation had brought acrimony and confrontation to the Commission's discourse, leading neither to effective solutions nor to cooperation between the members of the international community in defence of human rights.

67. States must certainly be held accountable for their actions but, if the purpose was to protect the victims of human rights abuses, better results might be achieved by encouraging self-criticism and positive change and by offering assistance to build the national capacity to sustain democracy and the rule of law. The annual ritual of handing out report cards had not produced the desired results.

68. Despite its complexity and diversity, India, 50 years after attaining independence provided an example of democratic organization of a highly pluralistic society. Its federal system and secular polity had evolved to accommodate that diversity, as demonstrated by the steady growth of civil society, an independent and pluralistic media and an independent judiciary. An essential characteristic of its experience had been the conviction that development could not take place at the expense of democracy. Social justice, human rights and popular participation must be integrated into the development framework.

69. Her Government did not pretend that India had been able to solve all its problems in the area of human rights, and some specific economic and social grievances had, indeed, resulted in violence. Her Government believed,

however, that there could be no justification in democracies for politically motivated extremism and violence, and it had attempted to address the underlying causes thereof through dialogue and the search for political solutions.

70. Her delegation believed that the Commission could best discharge its mandate by emphasizing an integrated approach towards human rights as called for in the Vienna Declaration, by encouraging self-criticism and exchange of experience and best practices, by devoting greater attention to national capacity-building, promoting understanding and a culture of human rights, welcoming pluralism and recognizing the critical linkage between democracy, development and human rights.

71. Mr. ZAKI (Pakistan) said that the annual consideration of human rights violations throughout the world was a sobering exercise, as it brought home with special force the gulf between human rights rhetoric and reality. It was especially disturbing that the worst violators of human rights were not individuals or groups operating outside the law, but States which ostensibly subscribed to international human rights conventions. A shared characteristic of such States was that they were occupying powers, determined to suppress peoples' right to self-determination.

72. The international community must address those violations and provide urgent assistance to the victims of such State policies. The violations in question had direct and dangerous consequences for regional peace and stability, and the credibility of human rights institutions and of the Commission itself was at stake. The Commission's detractors argued, with some justification, that the time and resources allocated to its work could not be warranted if it refused to confront the most serious violators of human rights for reasons of political expediency.

73. To remedy that situation, careful monitoring of human rights violations by occupying States must continue and such violations must be catalogued in detail and widely publicized. The exposure of their brutality might eventually result in moral outrage among their own people, thereby creating a political basis for the reversal of such policy. The international community must also exert diplomatic and economic pressure on the occupying States.

74. To take an example from his own region, almost all the principles of humanitarian law and human rights had been violated since 1990 in Indian-occupied Kashmir. Having given numerous examples of such violations, he called on the Commission to undertake an impartial investigation of the human rights violations in Jammu and Kashmir to determine whether they qualified as crimes against humanity. It would be useful if visits could be paid to the territory by the High Commissioner for Human Rights, the Special Rapporteurs on summary execution, torture, arbitrary detention and violence against women and the Working Group on Disappearances so that they could make a first-hand assessment of the situation. For its part, India must implement all the relevant Security Council resolutions. His delegation hoped that the dialogue initiated by the Prime Minister of Pakistan would be resumed and that the new Indian Government would respond positively by halting human rights violations in occupied Jammu and Kashmir.

75. Mr. POLICARPO (Indonesia) said that a balanced and objective consideration of the human rights situation in any particular country should take into account the progress that had been made. Moreover, no fair evaluation would be possible without taking into account the constraints on the developing countries. In that connection, he thanked those countries and mechanisms with which his Government had developed cooperation in the field of human rights. That cooperation, based on mutual respect and dialogue, had been a constructive force in the protection and promotion of those rights.

76. Numerous references had been made by representatives of States and NGOs to the situation of human rights in his country, giving the impression that violations were widespread there. While it would be preposterous to assert that human rights violations never occurred, his Government always made every effort to bring the perpetrators of such violation to justice. His Government's commitment to protect and promote human rights throughout the country, including his own province of East Timor, was genuine. It was not its policy to abuse or discriminate against any group on any grounds.

77. Since the Commission's fifty-third session, there had been a disturbing rise in the number of random killings, acts of terror, intimidation and extortion carried out by FRETILIN/FALINTIL separatists against the population of East Timor. There was a rising trend towards militancy and radicalization in the separatists' activities, which were intended to provoke reactions from the authorities and to intensify the conflict in order to create disorder and chaos which, they assumed, would aid their illusory political cause. Law enforcement and protection of human rights were two sides of the same coin, and his Government would continue to do all it could to ensure public safety and fight those who threatened it.

78. It was extremely disturbing that the increase in separatist violence was ignored by Portugal. Most, if not all, of the information contained in the report of the Secretary-General on the situation in East Timor (E/CN.4/1998/58) was based on unverified and second-hand information. The allegation that Indonesia was endeavouring to overwhelm East Timor with non-East Timorese people was another example of a deliberate attempt to conceal the truth. The population of East Timor consisted of 94 per cent native East Timorese and 6 per cent non-natives. Indonesia had never curtailed the right of freedom of movement for its citizens, including movement to and from East Timor.

79. The statement made to the Commission on behalf of the European Union had referred to a draft resolution on East Timor which the Union was to submit; such a draft resolution was uncalled for, and he challenged the European Union to discuss the situation of human rights in East Timor with himself and other colleagues who lived in the province in order to receive first-hand information on the subject.

80. Mr. CAMPBELL (Observer for Australia) said that good governance created the environment in which civil and political rights could be better protected. It also promoted an environment for sound economic management and sustainable use of resources to increase prosperity, which were important conditions for the protection of economic, social and cultural rights. The top priority for Governments should be practical efforts that could directly improve the human

rights situation on the ground. International cooperation and, where necessary, constructive comment also had an important role to play in encouraging States to fulfil their international obligations.

81. His Government remained concerned about the situation throughout Afghanistan, and particularly the strict social policies imposed by the Taliban which had a negative impact on the human rights of all Afghans, particularly women and girls. It also shared the profound concern of the international community about the alarming situation in Algeria, welcomed the Algerian Government's assurances that it was in the process of consolidating the rule of law and the protection of human rights, and urged it to invite special rapporteurs to visit Algeria before the Commission's fifty-fifth session.

82. There had been some positive, albeit modest, developments in Myanmar, such as the decision by the State Law and Order Restoration Council to meet the Chairman of the National League for Democracy (NLD) in July 1997 and to allow the NLD to hold a congress in September 1997, the first such meeting to take place unhindered for seven years. Recently, the State Peace and Development Council had allowed the Minister for Foreign Affairs of Malaysia to see Daw Aung San Suu Kyi. Those were definite steps forward, but they had taken place against the background of continuing repression of the NLD.

83. China had made welcome progress in the realization of economic and social rights, democratization of local government structures and the implementation of legal reforms. His Government welcomed China's recent signing of the International Covenant on Economic, Social and Cultural Rights and its stated intention to sign the International Covenant on Civil and Political Rights as well as the number of dialogues that China was conducting with other countries on the subject of human rights.

84. His Government was encouraged by a number of positive developments in the observance of human rights in Indonesia. That country's National Human Rights Commission had continued to investigate and comment openly on instances of human rights abuse; a military handbook on human rights for use by the military operating in Irian Jaya appeared to have resulted in an improvement in the civil rights situation there; and the endorsement by the People's Consultative Assembly of a broad outline of State policy from 1998 to 2003 had made substantial reference to human rights and the need for State policy to respect them. It was to be hoped that there would also be improvements in the situation of human rights in East Timor.

85. Until the recent economic crisis, Indonesia had made substantial advances in guaranteeing economic and social rights, and his Government hoped that the Indonesian security authorities would exercise appropriate restraint in the management of social unrest, demonstrations and other expressions of popular opinion during the current crisis, and ensure that all those involved were dealt with in accordance with the law and due process.

86. His Government supported the efforts of the Secretary-General, the United States of America, the European Union and the Commonwealth to find a lasting and peaceful solution to the Cyprus question that would protect the human rights of all Cypriot people. The re-emergence of ethnic tension in

the Balkans was a matter of deep regret, and his Government joined others in urging all the parties in Kosovo to show restraint and refrain from further violence.

87. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, since he had taken office in August 1997, President Khatami had launched a number of initiatives to consolidate democratic institutions, provide grounds for more active civil and political participation, reinforce the rule of law, promote women's rights, foster national mechanisms for the protection and promotion of human rights and fundamental freedoms, and promote freedom of expression. Like other countries, the Islamic Republic of Iran had a long way to go before it achieved the objective of full realization of all human rights for all, but it had done a great deal and was determined to continue to build on the progress achieved. The response to that progress should be one of appreciation and encouragement; anything less would demonstrate that political and economic considerations had supremacy over concern for human rights.

88. Mr. GOMES (Observer for Portugal) said that all available, credible and independent sources continued to report serious violations of human rights in East Timor. Indonesia's failure to comply with the Commission's recommendations had led to a worsening of the human rights situation in the territory, and recent developments in Indonesia had raised fears about a further deterioration combined with increasing hardship caused by the economic crisis.

89. Commission resolution 1997/63 called upon the Government of Indonesia to release East Timorese political prisoners, to ensure that East Timorese in custody were treated humanely and that their rights were fully respected; to provide greater access to East Timor by humanitarian and human rights organizations and by the international media; and to cooperate with the Commission's thematic mechanisms.

90. Indonesia had failed to implement any of those measures. Despite appeals from the international community, it had made no progress in releasing East Timorese political prisoners; East Timorese in military or police custody continued to be subjected to torture and ill-treatment and were, as a matter of routine, denied access to legal counsel, medical treatment and their families. Credible international organizations continued to be barred from the territory, and access by foreign journalists remained severely restricted; the Indonesian authorities had not yet responded to the request to visit East Timor made in May 1997 by the Special Rapporteur on the question of torture. Other measures recommended by special rapporteurs and by the High Commissioner for Human Rights remained unimplemented, including the reduction of the Indonesian military presence in and the limitation of Indonesian migration to East Timor.

91. The international community could no longer turn a blind eye to the Indonesian Government's uncooperative attitude. The Commission must once again try to persuade Indonesia that a change in its policy towards East Timor and respect for the human rights of its people were overdue and could not but contribute to stability in the region as a whole.

92. Mr. HASSAÏNE (Observer for Algeria) said that his country adhered to almost all international human rights instruments, including the optional protocols, and regularly presented its periodic reports to the various Committees. Algeria was not confronted with a crisis of human rights but with the phenomenon of terrorism, which was an out-and-out negation of human rights, the most sacred of which was the right to life. His Government categorically rejected manoeuvres aimed at legitimizing or explaining the actions of terrorist groups.

93. The protection of persons and of their property by the public security forces was a constitutional prerogative of the State in all political systems. Terrorism constituted a direct threat to all democracies, especially those of countries in transition. It was a major challenge to the international community because it endangered international peace and security; that was why it should not be dealt with selectively according to the countries it affected and should be condemned unequivocally.

94. Turning to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68 and Add.1-3), he said that Mr. Ndiaye and Ms. Coomaraswamy, the Special Rapporteur on violence against women, had been the only special rapporteurs so far to have raised the question of the responsibility of non-State actors in human rights violations. That approach should be developed and taken into account by the other United Nations mechanisms.

95. He recalled that, in 1997, only one case had been transmitted to the Algerian authorities by the Special Rapporteur on extrajudicial, summary or arbitrary executions, and it had received a reply. It was regrettable, however, that the Special Rapporteur still seemed uncertain as to the identity of those responsible for the massacres in Algeria when in fact they were regularly claimed by the terrorist groups themselves; if he was in any doubt he should have sought information from the Algerian Government.

96. With respect to the Special Rapporteur's observation that there was a need for effective mechanisms to investigate the circumstances of massacres, he said that the legal system was involved on each occasion, investigations were launched and the national press reported the trials of those arrested. His delegation was ready, as always, to engage in dialogue and cooperation with the United Nations human rights mechanisms in a calm and transparent manner, away from the gaze of the media and out of reach of the manoeuvrings engaged in by some people.

97. Mr. BEKIC (Observer for Croatia) said that, despite excellent cooperation, which had remained constant and constructive and had provided a fruitful dialogue, his Government had some concern regarding the nature of the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. The reporting mechanism had proved to be much too slow, especially when global communications rendered possible the almost immediate exchange of information. As a result, important differences had frequently arisen between the facts as presented in reports and the current situation in a country and recommendations had already been implemented by the time a report was published.

98. The evolution of the situation of human rights in Croatia had not been sufficiently taken into account when the mandate was being assessed: the mandate had been established as a response to the gross violations of human rights and international humanitarian law resulting from the aggression against the Republic of Croatia and Bosnia and Herzegovina. Consequently, the benefits to be derived from its continued application in that uniform manner had to be questioned, when the situation of human rights had changed drastically in the countries under the mandate as a result of a different tempo of development of democratic principles and institutions.

99. In her final report, the Special Rapporteur noted positive developments in Croatia and the question was whether the situation there should be considered in the same manner as that in the other countries under the mandate. Croatia was subjected to numerous monitoring mechanisms, which had culminated in an obvious overlapping of mandates and a great increase in bureaucratic paperwork, a practice that was not conducive to international efforts to reduce the duplication of efforts.

100. His Government was in favour of continued cooperation with the United Nations in the field of human rights but on the basis of a different mandate. Instead of monitoring, it would appreciate technical assistance and cooperation in the field of human rights, as recommended in the Special Rapporteur's report, which would strengthen the practical dimensions of its adherence to human rights and support various national institutions that had already been established for the purpose. He hoped that that approach would be reflected in the Commission's resolution.

101. Mr. KIM Song Chol (Observer for the Democratic People's Republic of Korea) said that many speakers had expressed the desire for a productive dialogue and cooperation at the current session of the Commission and it was deplorable that the debate on human rights had still been fraught with slander, antagonism, confrontation and violation of the sovereignty of other States. The European Union had spent 40 minutes selectively attacking 37 countries one by one: all of them developing countries targeted because they were independent and did not obey the countries of the West. The East-West cold war had been replaced by a North-South human rights cold war.

102. Confrontation based on selectivity and double standards, which was unacceptable, had compelled his country to withdraw from the International Covenant on Civil and Political Rights. Though some alleged that the withdrawal was not legally possible, it was in fact an indisputable exercise of his country's sovereign rights. The withdrawal did not indicate an objection to the Covenant itself or a denial of its provisions. The only way to resolve the withdrawal issue fairly was for the Western countries that had brought it about to change their attitude.

103. Several States had expressed their desire to see the question of withdrawal from the Covenant reconsidered because the process by which the resolution had been adopted against his country had been an unjust one. The issue could be settled in a cooperative spirit provided there was no provocation. It was time to end the practices of a special group which violated the sovereignty of others, and to adhere to the principle of equality and impartiality in human rights. In that connection, his delegation

categorically rejected the allegation made against his country by the representative of Poland as totally groundless. It could have been made only by someone who had been brainwashed or bribed by forces hostile to the Democratic People's Republic of Korea.

104. Mr. LAMDAN (Observer for Israel), referring to a decision regarding southern Lebanon adopted recently by his country's Ministerial Committee for National Security, said it was a serious initiative and not a diversionary tactic. It signalled Israel's willingness to withdraw in short order from southern Lebanon once it knew that international peace and security had been restored in accordance with the provisions of paragraph 3 of Security Council resolution 425 (1978). The decision stood on its own; it did not, for example, link the withdrawal to a peace agreement with Lebanon, and it was not at the expense of anyone or anything.

105. The international community could help in that endeavour by assisting the Government of Lebanon to ensure the return of its effective authority in southern Lebanon, thereby obviating the need for an international peacekeeping force there. The Lebanese army had dismantled every other militia in Lebanon and, in Israel's judgement, it could also dismantle the Hizbollah in the south. It would be constructive if the Commission decided simply to take note of the draft resolution on the subject, instead of putting it to a vote.

106. Mr. SORABJEE (Special Rapporteur on the situation of human rights in Nigeria), responding to the statement made by the representative of Nigeria, said that he had been looking forward to constructive and substantive comments and criticism regarding his report (E/CN.4/1998/62), but unfortunately none of the issues relating to human rights violations had been addressed. Before submitting his report he had specifically sought the Nigerian Government's version of and its point of view on several alleged human rights violations, but there had been no response and repeated requests by him to visit Nigeria had not been granted.

107. Instead of meeting with facts and figures the conclusions he had reached in his report, on the basis of documents whose authenticity could not be impeached, the representative of Nigeria had stated that the report had been written for him by human rights groups in London and Geneva. That allegation was utterly false: the report had been written by him alone in New Delhi, and its language, style and content were entirely his own. To check certain statements and footnotes, he had corresponded with the human rights officer assigned to his mandate by the Office of the High Commissioner for Human Rights, and with no one else.

108. He had compiled his report with a full sense of responsibility for his mandate, and had not performed any "hatchet job"; an unworthy allegation that should not have been made. No human being was infallible, and he would have welcomed constructive criticism, but defamatory statements did not advance the matter.

The meeting rose at 1.05 p.m.

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Fifty-fourth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. GALLEGOS CHIRIBOGA (Ecuador)

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GE.98-12272 (E)

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

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(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

The meeting was called to order at 3 p.m.

STATEMENT BY THE DEPUTY MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF ANGOLA

1. Mr. CHIKOTI (Angola) said that, in the year of the fiftieth anniversary of the Universal Declaration of Human Rights, the general feeling was that much remained to be done. The events in Rwanda, the former Yugoslavia, East Timor, etc., were reminders that there was still a long way to go. Since 1948, however, humankind had made giant strides in the field of human rights. Fifty years previously, most countries had been colonies and the world had still been dominated by racial discrimination, arbitrariness and obscurantism. Many things had changed since then and the international community had provided itself with better guarantees in the field of human rights. But disease, desertification, drought, war, illiteracy and many other scourges that afflicted a large part of mankind created situations in which human rights were not respected. To face those challenges, new guidance was urgently needed for international economic relations and particular emphasis had to be placed on sustainable development and foreign debt relief. For that purpose, it was not advisable to replace development aid with commercial exchanges, even preferential ones, for there could be no true commercial competition among economies that were not at the same level of development.

2. Despite foreign military aggression and internal conflict during the past two decades, Angola had taken many concrete measures to promote human rights; it had acceded to various international instruments and adopted laws that had radically transformed the political landscape and strengthened the rights of citizens. The country was currently involved in consolidating the process of national unity and reconciliation. With the establishment of peace, the normal functioning of democratic institutions had been achieved.

3. In its efforts to promote human rights, the Government of National Unity and Reconciliation had been assisted by the international community, particularly the United Nations, in ensuring the distribution throughout the country of the various human rights instruments and the relevant national laws. Through the United Nations Observer Mission in Angola (MONUA), the international community was helping the Government to organize national and regional seminars on human rights as a result of which provincial committees for human rights had been created. Programmes on human rights were regularly broadcast in local languages by Angolan radio and television and United Nations information programmes targeted the entire country.

4. A human rights department had been created within the Ministry of Justice to carry out activities throughout the country to raise awareness and to train trainers. An Assistant Attorney-General whose task was to monitor the observance of legality had been designated to work with the Office of the Attorney-General. The National Assembly had set up commissions responsible for receiving allegations of possible human rights violations from citizens and national or foreign institutions. The Ministry of the Interior had an inspection directorate which received and handled complaints against the police and monitored the behaviour of members of the police force. Civil as well as military courts had tried and sentenced individuals accused of violations of human rights. The Government was working on the establishment

of the National Commission of Human Rights, which would act as an intermediary between the Government and civil society and would be open to all sectors of society.

5. In 1998, Angola would submit its initial report to the Human Rights Committee in accordance with article 40 (a) of the International Covenant on Civil and Political Rights. The report would contain a full outline of the Government's actions to promote human rights in the country.

6. The dedication of the Angolan Government to human rights extended beyond the national territory and to all of Africa. In that connection, from 26 to 30 October 1998, Angola would host a Ministerial Conference on Human and People's Rights in Africa, during which the obstacles encountered in applying the African Charter of Human and People's Rights would be identified and the adoption of mechanisms to strengthen the capacity of African nations in the field of human rights would be recommended. The Angolan Government and the Organization of African Unity (OAU) would like to see the international community, and especially the United Nations, provide support to ensure the success of that Conference.

7. In conclusion, he took the opportunity to reiterate his country's solidarity with the people of East Timor in its struggle for self-determination. It encouraged the Secretary-General in his efforts to promote dialogue between Portugal, the administrative Power, and Indonesia with a view to reaching a just solution to the conflict.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1998/3 and Corr.1, 9, 12 to 15, 55 to 67, 68 and Add.1 to 3, 69 to 73, 113, 114, 126, 127, 130, 132, 138, 139, 140/Rev.1, 142, 143, 147 to 150, 152, 154, 163 and 164; E/CN.4/1998/NGO/7, 13, 39, 40, 93 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

8. Ms. EIVAZOVA (Observer for Azerbaijan) said that, since the settlement of Armenians in Transcaucasia in the mid-nineteenth century, the Azeri people had been subjected to forcible deportation from its historical lands and to massacres and genocide. The aggression by Armenia against Azerbaijan pursuant to the policy of establishing a mythical "Greater Armenia" had resulted in flagrant violations of human rights which came under the category of crimes against humanity. Over 20 per cent of Azerbaijan's territory was occupied and there were more than 1 million refugees and displaced persons in the country. All Azerbaijani towns and districts had been seized following the adoption of four Security Council resolutions calling for full respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its borders.

9. Her delegation drew the Commission's attention to the fact that 4,820 Azerbaijani citizens, including 316 women, 60 children and 254 elderly persons, were on the list of hostages and missing persons.

The whereabouts of 867 of them were known: 229 were in Armenian territory and 638 in the occupied Azerbaijani territories. Hostages and prisoners of war were used by the Armenian authorities for forced labour and were subjected to inhuman treatment and torture. The majority of them were being detained by the Armenian side without the knowledge of the International Committee of the Red Cross.

10. In accordance with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, States had to take all necessary measures for the extradition of the persons responsible for such crimes. Her Government requested the international community to intensify its efforts to ensure the implementation of the relevant Security Council resolutions and achieve a peaceful settlement of the armed conflict between Armenia and Azerbaijan, in accordance with the principles of the settlement adopted at the last OSCE Summit in Lisbon.

11. Mr. FADZAN (Observer for Bosnia and Herzegovina) said that, over two years after the signature of the Dayton Peace Agreement, Bosnia and Herzegovina still had many problems. Although there had been remarkable achievements on the military part of the Agreement, the civilian part was still very complex: questions such as the return of refugees and displaced persons, full freedom of movement, the right to own property and freedom of expression, to name only a few of the most important, still had not been completely settled. The war criminals also had to be brought to justice. However, the main obstacle to the speedy recovery of Bosnia and Herzegovina and the building of a fully democratic regime and a multilateral society was the extreme nationalism and separatism of some political quarters. The role of the international community was essential and the conditionality of the international community's financial and economic assistance had to be maintained.

12. The Constitution of Bosnia and Herzegovina offered an impressive legal framework for the protection of human rights. Human rights organizations such as the Ombudsman and the National Human Rights Commission were also playing an increasingly larger role. The authorities of Bosnia and Herzegovina were working to guarantee the greatest possible respect for human rights in accordance with internationally accepted standards, as well as to join European institutions. They welcomed the work carried out by Mrs. Rehn, former Special Rapporteur on Bosnia and Herzegovina and now Special Representative of the United Nations Secretary-General in Bosnia and Herzegovina, and assured her of their cooperation. They would like the Commission to take account of the following points in the resolution it would adopt: systematic building of a legal system and institutions based on the rule of law; strengthening of cooperation with the International Criminal Tribunal for the former Yugoslavia and more efficient and urgent measures for the arrest of the war criminals; additional efforts with regard to housing, but particularly with regard to jobs, with a view to the return of refugees and displaced persons; increased financial and material support to search for missing persons; holding of free and fair elections; establishment of free and independent media; and encouraging the religious communities to continue working for reconciliation.

13. Mr. MCHUMO (Observer for the United Republic of Tanzania) said that, as a neighbouring country, Tanzania was keeping a close watch on events in Burundi and had taken note with keen interest of the third report by Mr. Pinheiro, Special Rapporteur on the situation of human rights in that country (E/CN.4/1998/72 and Add.1). It shared the Special Rapporteur's point of view that the situation was still uncertain and differed from one province to another. It could testify to the fact that refugees from the camps in Tanzania had returned spontaneously to safe areas in Burundi. It was concerned about the execution of 6 persons after what had clearly been a defective trial and about the fate of 71 persons who had been sentenced to death following similar trials. It was also worried about the proliferation of arms in Burundi. Nevertheless, it did not share Mr. Pinheiro's view that "It is important to be clear that what is meant in speaking of democratization in Burundi is not a reduction of democracy to electoral practice based on the principle of one man, one vote". There should be no derogation from the basic principle of "one man, one vote" to protect the Buyoya regime.

14. With regard to the sanctions imposed on Burundi by the neighbouring countries following the military coup on 25 July 1996, his Government considered it unfortunate that the Special Rapporteur continued to misrepresent the facts and wrongly state that the sanctions were a violation of human rights. The activities of the Special Rapporteurs must be impartial, objective and non-selective. However, the Special Rapporteur had, for example, not noted that the countries of the region were very sensitive to the plight of women and children and that the sanctions had been calibrated to take account of humanitarian concerns. The purpose of the sanctions was not to punish, but to nudge the peace process forward. Even some political parties in Burundi, including FRODEBU, which had won the elections in 1993, had urged a tightening of the sanctions. The Government of Tanzania also rejected the Special Rapporteur's call for an assessment of the sanctions by an independent mechanism, as well as his request that refugee camps which had been in their present location for decades and had never been a source of problems should be moved further inland by UNHCR and the Government of Tanzania itself.

15. The CHAIRMAN invited delegations to exercise their right of reply.

16. Mr. MERIC (Observer for Turkey) said that he deplored the tendentious and unfounded accusations made against his country by the representative of the European Union. Those accusations, which were repeated every year without regard for the fact that Turkey was trying to guarantee the exercise of human rights and was cooperating candidly with United Nations human rights mechanisms, were political; they might, however, be more convincing if the European Union recognized its own human rights problems, such as the discrimination and ill-treatment to which migrant workers were subjected in Europe. It was also difficult to understand why the European Union insistently urged that the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances should visit Turkey as soon as possible, whereas they had already been invited to do so and it was natural that the visit should take place on agreed dates. The representative of the European Union had stated that terrorism in Turkey arose from what it called the conflict in the south-east. That approach was misleading because terrorism did not stem from a conflict in one region of Turkey. What it

involved was, rather, nationwide separatist violence by an illegal organization that was sustained from without. His Government was determined to combat separatist terrorism and to proceed on the path towards democracy and the protection of human rights.

17. Other speakers, including representatives of non-governmental organizations, had also formulated unfounded accusations. He informed the observer for Norway that there was no minority in Turkey based on ethnic origin. Every citizen of Turkey, regardless of ethnic origin, had the same rights and obligations and was free to enjoy distinct cultural rights. In reply to the statements made by the observer for Greece and the Greek Cypriot observer, he said that the Cyprus issue was a political one in all its aspects. In speaking of human rights in Cyprus, reference should first of all be made to the situation in the early 1960s, when the Turkish Cypriot community had been subjected to merciless harassment and annihilation by the Greek Cypriots assisted by Greece. The Greek side was very careful not to mention the period between 1963 and 1974.

18. Mr. EFTYCHIOU (Observer for Cyprus) said that Cyprus was a sovereign and independent country, despite what might be said by the observer for Turkey, who was defending the indefensible and wanted to give the impression that Turkey alone was right about Cyprus, whereas the entire international community had adopted an unambiguous position against the Turkish invasion and occupation, not to mention countless resolutions on the question. He was trying to make people believe that 200,000 persons had not been driven out of their homes and that there was no occupation army of 35,000 soldiers on the island or that the fact that nearly 110,000 Turkish settlers had settled in Cyprus was not a violation of the fourth Geneva Convention. Soon, Turkey would be requesting the Cypriots to excuse themselves for asking to be able to enjoy their basic rights and daring to call the occupation by its name. The Turkish attitude was, however, not new and now was not the first time that Turkey had tried to make its wish for territorial expansion come true at the expense of neighbouring countries. The observer for Turkey had referred to the 1960s, but it should be pointed out that, in 1954, even before the establishment of the Republic of Cyprus, the Turkish Minister for Foreign Affairs had stated that Cyprus was an extension of Turkey and should be part of it because of geographical proximity. On 14 September 1963, moreover, the Turkish Cypriot leader, Mr. Denktas, had signed a document clearly spelling out Turkey's designs on Cyprus.

19. Mr. MANOUSSAKIS (Observer for Greece) said that he fully supported the statement made by the observer for Cyprus. Noting that the observer for Turkey had once again tried to divert attention from his country's responsibility in the Cyprus issue, he said that matters as serious as occupation, settlement and missing persons could not be resolved by putting the blame on the other side by means of groundless allegations. Greece and the international community were asking Turkey to implement United Nations resolutions in accordance with the Charter. More specifically, Turkey must withdraw its troops from Cyprus and, in accordance with the Treaty of Guarantee, comply with its obligations concerning respect for the territorial integrity of the Republic of Cyprus.

20. Mr. MERIC (Observer for Turkey) noted that the period between 1963 and 1974 had been overlooked by the Greek and Cypriot delegations. He drew attention to the report by the Secretary-General dated 22 November 1993 (S/26777), in which the Secretary-General said that the paranoia of the Greek Cypriot press also affected the members of the Greek Cypriot community. As long as that feeling of paranoia existed, the question of Cyprus could not be settled.

21. Mr. EFTYCHIOU (Observer for Cyprus) said that he preferred the opinion of the rest of the international community to the diagnosis by the observer for Turkey. The document signed by Mr. Denktas provided that the Turkish community scattered throughout the island would be concentrated by force in an area whose size would depend on strategic expert plans. The Turkish authorities had intended to request the United Nations to partition the island. The observer for Turkey would certainly find details in his country on the plans his Government had drawn up for Cyprus at the time of the document in question.

22. Mr. DEMBRI (Observer for Algeria) said that he rejected Amnesty International's old-fashioned rhetoric and simplistic methodology; it used unconfirmed information and anonymous testimony, with no possibility of open debate. He deplored the fact that Amnesty International had wanted to engage in confrontation. He respected what that organization had been at the time of Sean McBride, who had made it a meeting place between cultures and civilizations, but it was now headed by ridiculous buffoons who had built up a bureaucratic system that practised slanderous denunciation and produced sycophantic letter-writers. What possible moral and intellectual authority could Amnesty International now have?

23. The International Federation of Human Rights also had no place in the Commission's hallowed precincts. What right did it have to preach to States when, from 1922, when it had been established, to 1962, it had supported colonialists' rights rather than those of colonized peoples?

24. Mr. EL KHAZEN (Observer for Lebanon), referring to the statement made by the observer for Israel on Security Council resolution 425 (1978) and the withdrawal of the Israeli army from southern Lebanon in exchange for security arrangements, said that his Government categorically rejected the conditions that Israel set for the withdrawal of its troops, stressing that the Israeli proposal violated Lebanon's sovereignty and that resolution 425 (78) did not provide for security arrangements. The aim of the Government of Israel in trying to get the Lebanese security forces to act was to strengthen its security; its proposal was even an invitation to punish the resistance which had defended Lebanon and to compensate those who had defended Israel. The Government of Israel was thus trying to regain prestige in the eyes of the international community. It was regrettable that the observer for Israel had not referred to the fate of prisoners in Israeli prisons, who were being subjected to torture, or to the decision by the Israeli High Court, which regarded prisoners as hostages and bargaining chips.

25. Mr. GILL (India) said that he totally rejected the Pakistan delegation's baseless allegations. Pakistan had a single obsession, that of misusing the Commission as an arena for disseminating falsehoods about India. Its attitude

was obviously dictated by political considerations, since its statements were immediately publicized by the Pakistani media. The violence of its reactions to any criticism addressed to it in the Commission was not surprising; Pakistan's scant attention to the human rights of its citizens was well known. Pakistan was the prime source of ideologies of intolerance, bigotry and violence. It sustained and financed, in an integral part of India, an armed militancy comprised mainly of foreign mercenaries who were continuing to target innocent Indian citizens. Pakistan's ideology of propagating violence, together with its practices of discrimination against minorities and women, had been exported with devastating effect, inter alia, through its connection with groups which had little respect for human rights. It was time for the Commission to recognize those facts and to hold Pakistan accountable.

26. Ms. JANJUA (Pakistan) said that the lies told by the Indian delegation year after year were designed to avoid any discussion of the way in which India was violating the fundamental rights of the Kashmiri people. India was the only post-colonial Power which continued to deny another people the right to self-determination. The human rights situation in India was appalling. The reports of the Special Rapporteur on torture and the Special Rapporteur on extra-judicial, summary or arbitrary executions, as well as reports from non-governmental organizations, spoke for themselves. Six hundred thousand terrorists in Indian uniform were fighting in Kashmir and perpetrating the worst kinds of human rights violations there. In view of that situation, it was surprising that India should assume the role of a victim. A leader of the BJP, the party in power in India, had taken it upon himself to say that, if the Muslims failed to behave properly, they should be treated as the Jews had been treated in Germany. Such statements were far removed from the tolerance that India advocated. If all was well in Kashmir, as the Indian delegation would have it, why was the Indian Government keeping troops there and why did it persist in refusing an impartial inquiry in Kashmir under United Nations auspices?

27. Mr. NSEIR (Observer for the Syrian Arab Republic) said that, at the preceding meeting, Israel had denied making statements based purely and simply on disinformation. Yet it was plain that all of Israel's statements were based on lies. When Israel said it was prepared to negotiate with the Syrian Arab Republic without any preconditions, its sole aim was to undermine the process begun in Madrid in 1991 in the framework of the Peace Conference on the Middle East. The Syrian Arab Republic, for its part, wanted nothing but peace in conformity with United Nations resolutions and the principle of "land for peace", which was predicated on Israel's complete withdrawal from the occupied Syrian Golan and compliance with all other relevant undertakings. The decisions of the Israel Cabinet had robbed Security Council resolution 425 (1978), which called for Israel's withdrawal from Southern Lebanon and the Bekaa region, of all meaning. The Syrian Arab Republic believed that the path to real peace was clear and that it must, of necessity, pass through Damascus.

28. Mr. PINHEIRO (Special Rapporteur on the human rights situation in Burundi) thanked the observer for the United Republic of Tanzania for his comments on his report (E/CN.4/1998/72 and Add.1) and for his acknowledgment of the report's objectivity, in particular with regard to security, executions and deliveries of weapons. He wished to make it clear, however, that he had

no mandate in connection with the maintenance or suspension of sanctions against Burundi; the most he could do was to note the effects of those sanctions on the status of economic, social and cultural rights in the country. Accordingly, he had not supported any position on the question of sanctions and had merely expressed the view that he still thought the establishment of an evaluation mechanism would be wise.

29. The CHAIRMAN said that the Commission had thus completed the general debate on agenda item 10.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 20) (E/CN.4/1998/99, 100, 101 and Add.1 and 2, 102, 103 and 119; E/CN.4/1998/NGO/2 and 38; CRC/C/66 and 69)

30. Ms. SANTOS PAIS (United Nations Children's Fund) said that the Convention on the Rights of the Child, which had been ratified by 191 States, was a striking illustration of the universality of human rights. Only two countries had failed to ratify the Convention, which had promoted an undeniable movement of social change in favour of the child and its rights. The recent publication by UNICEF of an implementation handbook for the Convention would help to promote information and awareness concerning the problems of children and would help Governments to bring the principles of the Convention into reality. The Convention also provided UNICEF with an opportunity to promote the mainstreaming of children's rights throughout the activities of the United Nations.

31. Children's rights could not be confined to a specific area or sector. UNICEF therefore welcomed the timid trend in the Commission to consider the fundamental rights of children under different items on the agenda. It was particularly encouraged by the emphasis placed on the right to education under the heading of the realization of economic, social and cultural rights and warmly welcomed the proposal for the appointment of a Special Rapporteur on the right to education. It noted, however, that children were absent from many other discussions, such as those on torture, arbitrary detention and disappearances, and country reports. Unfortunately, that did not mean that children were not suffering from human rights violations, but, rather, that their fate was being ignored. The tragedy of children abducted from Uganda was just one example. UNICEF therefore endorsed the idea of reforming the Commission's agenda in such a way that children's rights would be considered

under all relevant items and it supported the drafting of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The rights of the child dimension should also be taken into consideration in the context of the drafting of the statute of the future international criminal court.

32. Issues involving children were coming increasingly to the forefront of the international community's attention. UNICEF therefore believed that the universality of the Convention on the Rights of the Child offered the United Nations a golden opportunity to make the human rights of children the cornerstone of its work in the next millennium.

33. Ms. CALCETAS-SANTOS (Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography), recalling that her previous report (E/CN.4/1997/95) had focused mainly on the role of the judicial system as the first catalyst for the protection of children, said that the present year's report (E/CN.4/1998/101 and Add.1 and 2) dealt with the impact of the media and education on children's rights on the basis of information received from Governments, United Nations bodies and agencies and non-governmental organizations. The report also referred to the international legal framework with a view to achieving a clearer appreciation of certain rights which might be perceived as mutually contradictory, such as the right of children to information and their right to protection from exploitative situations.

34. So far as the role of the traditional media was concerned, she had concentrated on the three main areas identified by the Committee on the Rights of the Child, namely, child participation in the media, protection of the child against harmful influences through the media and respect for the integrity of the child in media reporting. Attention was drawn to certain disturbing developments which suggested that, in trying to prevent abuses against children, it was important not to lose sight of certain basic rights of the defendant and especially the right to be presumed innocent.

35. The report contained an extensive analysis of the role of new technologies, particularly the Internet, in the commercial sexual exploitation of children. The main developments and initiatives taken both nationally and internationally were summarized. Various solutions being explored, such as parental regulation, self-regulation by the industry and governmental regulation, were also discussed.

36. Education, whether formal or informal, was identified as the other key factor in the prevention of the sexual exploitation of children and in their recovery and/or reintegration. It was important that such education should reach all sectors of society, including policy makers. There again, the report referred to developments and initiatives at the national and international levels.

37. In 1997, she had conducted country visits to Kenya and Mexico (E/CN.4/1998/101/Add.1 and 2, respectively) in order to inquire into the situation with regard to the commercial sexual exploitation of children in those countries. She thanked the Governments of those two countries for their cooperation.

38. A delegation of 36 children and young people from a number of countries, all of whom had been sexually exploited as minors, had attended the Summit of Sexually Exploited Children and Youth held in Victoria, Canada, from 7 to 12 March 1998. Their presence had given fresh meaning to the right to participation granted to the child under various provisions of the Convention. The young people had adopted a declaration urging that the term "child or youth prostitute" should no longer be used; they had been sexually exploited and any language or reference to them should reflect that belief. The declaration further stated that the commercial sexual exploitation of children and youth was a form of child abuse and slavery; all children and young people had the right to be protected from all forms of abuse, exploitation and the threat of abuse, harm or exploitation. It proclaimed that the commercial exploitation of children and young people should no longer be financially profitable, that all children and young people had the right to know their rights and that the issue of child and youth sexual exploitation must be treated as a global priority. Nations should not only hold their neighbours accountable, but should also acknowledge their own shortcomings. Lastly, the declaration stated that Governments were under an obligation to create laws which reflected the principle of zero tolerance of all forms of abuse and exploitation of children and young people.

39. In response to that challenge, she proposed, as a start, that the title of her own mandate should be changed to something along the lines of "Special Rapporteur on Child Victims of Trafficking and/or Commercial Sexual Exploitation". The United Nations should take the lead in giving higher priority to matters concerning children and in mainstreaming measures for their protection, particularly within the framework of the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance scheduled to take place in 2001. Lastly, coordination between different departments and agencies of the United Nations family should be improved, for example, as far as technical cooperation activities were concerned.

40. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

41. Ms. PEREZ DUARTE Y NOROÑA (Mexico) said that her Government would carefully consider the conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography contained in the report on her mission to Mexico (E/CN.4/1998/101/Add.2). Mexico was convinced that, to combat those practices, education, training and communication had to be promoted at all levels and the silence of society must be broken, for in Mexico as everywhere else, it was still the chief accomplice of the perpetrators of such acts.

42. Although the Special Rapporteur had had occasion to see what measures were being implemented in that regard in Mexico, especially within the framework of the administration of justice, some aspects had apparently not been made sufficiently clear, especially as far as the identification and punishment of the perpetrators of abuses and the consular protection of Mexican minors in difficulty abroad. As the Special Rapporteur rightly emphasized, collaboration between government agencies and NGOs were essential in order to combat the practices in question.

43. The Special Rapporteur had also learned about the far-reaching process of reforms undertaken with a view to adapting the Mexican legal system to international standards relating to the rights of the child. That process, which had begun two years earlier with the participation of government agencies at all levels, the educational system and NGOs, had already resulted in a review of the Civil Code and the Penal Code of the Federal District aimed at preventing violence in the family and drafting an Act to that effect.

44. With regard to the initiative known as "Casa del Arbol" ("Children's House"), the Special Rapporteur had not seen any concrete results at the time of her visit, but the project had made progress. Over 400 children came daily to the house, where efforts were being made to teach them fundamental values such as dignity, justice, peace, respect, liberty and provide them with information on the basic rights of the child. The Human Rights Commission of the Federal District and a non-governmental agency were also working on a project for an itinerant children's house, which was to travel all over the country. UNICEF was also interested in the project, which could be copied in other parts of the world.

45. To build a better world for children, Mexico was participating at the international level in the work of the Working Group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on involvement of children in armed conflicts.

46. Mr. ELIASSON (Chairman/Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts), introducing the report of the Working Group (E/CN.4/1998/102), said that virtually no progress had been achieved at the Working Group's fourth session. In view of the unwillingness of certain delegations to agree on solutions to some problems before it was known how other issues would be settled, it had been decided to cut the session short. Although the stalemate in the Working Group had been obvious at the very first meeting, delegations had agreed to hold informal consultations to produce a "Chairman's Perception" of points on which near-consensus existed.

47. Although near-consensus had unfortunately not been achieved on the entire draft paper, the impression had been confirmed that only a very small number of negotiating delegations had serious problems with texts which were acceptable to the majority. He had therefore taken it as his point of departure in the consultations that the most essential article in the optional protocol, that on the participation of children in hostilities, must establish an 18-year age limit, and the other provisions would be drafted on that basis. If the other provisions could not be agreed, it might be necessary to consider an optional protocol containing only one substantive article dealing with the only really crucial issue, that of participation in hostilities. However, that option had not been considered by the Working Group.

48. The Chairman's Perception (annex II to the report) thus provided for an 18-year age limit for participation in hostilities, an 18-year age limit for compulsory recruitment into the armed forces of States parties, a 17-year age limit for any recruitment into the armed forces of States parties, and an 18-year age limit for recruitment into armed groups, distinct from the armed

forces of a State, which were parties to an armed conflict. While it had been foreseeable that consensus would not be achieved on an 18-year limit for participation in hostilities, he had been surprised and disappointed to find that full consensus no longer existed on setting an 18-year age limit for compulsory recruitment into the armed forces of a State party, an issue which he and most other participants had believed had been settled the previous year. It was clear to him and, no doubt, to all the negotiators that a straight 18-year limit in all provisions was strongly favoured by an impressive number of delegations. Others, however, favoured a straight 17-year limit in all provisions, while others still were willing to accept a combination of the two.

49. In conclusion, he said that the Chairman's Perception resulting from the informal consultations offered the best solution that could be achieved at present. Even that text, however, was predicated on some delegations, at least, deciding not to stand in the way of a new instrument favoured by so many.

50. Mr. MORA GODOY (Chairman/Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography), introducing the report of the Working Group (E/CN.4/1998/103), said that, at its fourth session, the Working Group had dealt with the chapters of the draft protocol relating to definitions, penalization of offenders and protection, and prevention, assistance and compensation. While some progress had taken place in that a consensus now existed on the idea of having a protocol at all and some delegations which originally had not wanted any definitions to be included in the text had changed their minds, the slowness of the negotiations and the continuing presence of some apparently irreconcilable differences were discouraging.

51. There were several obstacles preventing the Working Group from concluding its work. The main one arose from a fundamental difference of views among delegations concerning the Group's mandate. Some delegations thought that the protocol should deal with a limited concept of the sale of children confined to purposes of sexual exploitation, while others considered that the Working Group's mandate should be interpreted on the basis of the Convention, which adopted a broader definition of the sale of children. The issue came within the jurisdiction of the Commission, which would have to adopt a decision on that point. He invited the delegations sponsoring the draft resolution on the Group's mandate to try to find wording which would help to settle that basic problem.

52. Another obstacle - one that arose in all negotiations - was that the progress achieved was precarious and constantly being revised, thus wasting time. That problem could be satisfactorily solved only by giving serious consideration to the positions held by various delegations and deciding that any consensus, once it had been achieved, could no longer be challenged. Furthermore, the priority task of harmonizing the chapters relating, respectively, to definitions and to penalization, would largely depend on the decision that would be taken with regard to the orientation and scope of the protocol. Some delegations which wanted to limit the scope of the draft protocol had invoked the existence of other instruments and negotiations aimed

at preparing international instruments, for example in the ILO. In his own view, such efforts were mutually complementary rather than contradictory.

53. The Working Group had set the year 2000 - the tenth anniversary of the Convention and of the Summit on Children - as the target date for the conclusion of its work. There was thus little time left for settling a large number of problems, but that should be seen by everyone as an encouragement to redouble their efforts. It would be desirable to hold consultations before the end of the year with a view to starting up fresh negotiations within the Working Group. Despite the extensive support enjoyed by the draft protocol, the need to adopt such an instrument did not seem to have really taken root in international awareness. NGOs, the international press and the United Nations system should play a more active role in publicizing the Working Group's objectives, the progress achieved and the difficulties encountered. Delays in the drafting of the protocol allowed the detestable practices against children that were to be eradicated to increase. The children, for their part, could not wait.

54. Mr. TAPIA (Chile) said the large number of countries which had ratified the Convention on the Rights of the Child made it an almost universal instrument. However, the Convention suffered from certain omissions, at least in two particularly important areas, the sale of children, child prostitution and child pornography, on the one hand, and the involvement of children in armed conflicts, on the other. The slow progress being made by the two Working Groups gave rise to concern, considering the importance of the problems involved, and his delegation hoped that it would be possible to move forward towards consensus, although prospects of achieving a consensus now seemed remote. He congratulated the Uruguayan delegation on its efficient conduct of the negotiations on the draft resolution to be submitted to the Commission and trusted that the text could be adopted by consensus.

55. At the national level, Chile was making efforts, with the assistance of the ILO and UNICEF, to eradicate child labour and hoped to have achieved that goal by the end of the century. On the occasion of the visit of the United Nations Secretary-General in November 1997, the President of Chile had publicly given a solemn undertaking to submit ILO Convention No. 138 on the minimum working age to Parliament for ratification and to participate actively in discussions on the drafting of a new ILO convention on child labour. Under the educational reforms being introduced by Chile, it was planned to increase teaching hours, to take steps to reduce the school drop-out rate and to give pupils the best possible preparation for their entry into the world of work. The ministries of health, education and the advancement of women were coordinating their activities with a view to combating social problems such as domestic violence and the phenomenon of street children, which, although not as serious or extensive as in other countries, were nevertheless matters of concern.

56. Poverty and unemployment, as well as domestic violence, corruption and the deteriorating social situation, were the underlying causes of the severe problems affecting children. Those were universal phenomena, which were putting the future of mankind at risk and the international community should join forces in order to tackle them in a concerted way.

57. Mr. AKAO (Japan) said that, as the world had been reminded by the theme song of the Olympic Games in Nagano, "Children make the world", children represented mankind's hope for a better world. However, they were also one of the most vulnerable groups in society and the international community still had much to do to protect their rights. The universal nature of the Convention would help consolidate the international framework needed to ensure that protection. With a view to bringing its legislation better into line with the spirit of the Convention, Japan had recently made several amendments to its Child Welfare Law.

58. The question of violations of the rights of the child in periods of armed conflict was of the gravest concern. In an armed conflict, it was children who were the least able to protect themselves and, even when their lives were spared, they suffered long-term socio-economic and psychological effects. His delegation welcomed the appointment of the Special Representative of the Secretary-General for children in armed conflict and hoped that he would play a critical role in that area. Regarding the recruitment of children, it urged all parties to armed conflict to comply strictly with provisions of international law prohibiting the recruitment of children under 15 years of age. Since Japan believed that the minimum age in that regard should be set at 18, it would continue to participate in the work of the Working Group on a draft optional protocol on involvement of children in armed conflicts. It had increased its bilateral assistance and support to NGOs with a view to improving the education, health and nutrition of children in armed conflicts and was cooperating with international organizations involved in helping such children. In addition, it was making efforts to promote a universal ban on anti-personnel landmines and, in December 1997, had signed the Convention governing that issue. It had undertaken to contribute 10 billion yen over the next five years to mine-clearing activities and assistance to victims.

59. In order to overcome problems concerning the sale of children, child prostitution and child pornography, it was necessary to strengthen not only national monitoring measures, but also international cooperation. Japan was endeavouring to ensure effective enforcement of its legislation, while cooperating at the international level with investigations to punish those responsible for the sexual exploitation of children, whether Japanese or from abroad. Following the World Congress in Stockholm, it had launched a campaign to raise awareness of the issue of child prostitution, particularly by contributing to the financing of an international symposium against the commercial sexual exploitation of children organized by the Japanese Committee for UNICEF and the Swedish Embassy in Japan. He also welcomed the convening in the Philippines in November 1997 of an international conference on the trafficking and commercial sexual exploitation of women and children. A bill was currently being drafted to strengthen Japanese legislation on the sexual exploitation of children and child pornography. Lastly, Japan was continuing to support the Working Group on a draft optional protocol on the sale of children, child prostitution and child pornography.

60. In conclusion, he said that no effort should be spared to improve the situation of children, since it was on them that the future of civilization depended.

61. Mr. ACEMAH (Uganda) said he shared the view of the Special Representative of the Secretary-General for children in armed conflict that the most pressing challenge today was to translate the formidable body of international instruments into action that could make a tangible difference to the fate of children exposed to danger on the ground (E/CN.4/1998/119). Uganda had signed and ratified the Convention on the Rights of the Child, as well as the African Charter on the Rights and Welfare of the Child. In 1992, it had established the National Council of Children and had adopted a national plan of action for children. In 1996, it had enacted the Children's Statute, based on the provisions of the Convention. The Government was making efforts to improve the coordination of the activities of various bodies responsible for the welfare of children and to strengthen institutional capacities. It would need additional resources for that purpose and would appreciate assistance from its development partners. Since 1997, corporal punishment in schools had been abolished and free primary education introduced for up to four children per family.

62. Children represented a very large part of the population in Uganda and the Government was aware of its responsibility to guarantee their security. However, it needed the assistance of the international community to bring to an end the reign of terror perpetrated by the Lord's Resistance Army (LRA), which was abducting, torturing, raping, mutilating, enslaving and killing innocent children in the north of the country with impunity. According to estimates, between 8,000 and 10,000 children would appear to have been abducted by the LRA. As had been pointed out by the Deputy Executive Director of UNICEF, such deliberate atrocities against children were without parallel. They constituted one of the most serious violations of children's rights in the world today. The LRA, claiming to establish a theocratic State in Uganda governed by the Ten Commandments, routinely broke those commandments, beginning with the one stating "Thou shall not kill".

63. His delegation urged the international community to take decisive action to condemn that outrage in the strongest possible terms, to request that it be brought to an end and to demand the release of the children held hostage by the LRA for several years. It called on it to adopt the draft resolution on the matter, which, in its view, did not establish any precedent. He thanked all those who had given assistance to the families of abducted children and the Government for its efforts to find a lasting solution to the tragedy and emphasized that the international community had a moral obligation to respond to the plight of the thousands of children abducted in Uganda.

64. Mrs. GLOVER (United Kingdom), speaking on behalf of the European Union (EU), associated countries of Central and Eastern Europe, and Cyprus, said that, now that the Convention on the Rights of the Child had been ratified by almost all countries, the time had come to endeavour to ensure that the obligations entered into by State parties were respected. It was not enough to create a framework of national legislative and administrative measures to protect the rights of the child. There was also a need to ensure that those measures were known and understood and were effectively enforced. States parties should also review the reservations they had made to the Convention with a view to withdrawing them. In any event, reservations made should never be incompatible with the object and purpose of the Convention and should be formulated as precisely and narrowly as possible. The EU called on

member States to cooperate fully with the Special Rapporteur on the sale of children, child prostitution and child pornography, with the Special Representative of the Secretary-General for children in armed conflict and with the Committee on the Rights of the Child and to implement the latter's recommendations. Measures to raise awareness of the rights of the child, including awareness on the part of children themselves, as well as the dissemination of the text of the Convention and of reports related thereto, were very important, and the role of NGOs was essential in that regard.

65. In order to defend and promote the rights of the girl child, eliminate obstacles to her development and protect her from all forms of discrimination, the Beijing Declaration and Platform for Action should be urgently implemented and women should be taken into consideration in all policies and programmes. In addition, all States should take measures to improve the situation of children with disabilities and should ensure their social integration and participation. The EU welcomed the efforts made by the Special Rapporteur on disabilities of the Commission for Social Development on behalf of children with disabilities.

66. Concerning child labour, she believed that the conclusions of the Oslo International Conference would be useful in developing strategies for children and families with a view to eliminating child labour. However, the development of such strategies required broad-based political commitment and a willingness to work with children in their social context. The European Union welcomed the decision of the ILO governing body to place the question of the consideration and possible adoption of a declaration on fundamental human rights on the agenda of the 1998 International Labour Conference, as well as the decision to open a discussion on the drafting of a convention aimed at eradicating the most intolerable forms of child labour.

67. The reports of the Special Rapporteur on the sale of children, child prostitution and child pornography gave important guidance to States, and the EU supported the renewal of her mandate. In line with the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children, Governments should adopt practical measures to combat that problem as a matter of priority and action at the national level should be reinforced by international cooperation. The European Regional Conference on the Sexual Exploitation of Children was to take place in Strasbourg on 28-29 April under the auspices of the Council of Europe as part of the follow-up to the Stockholm Agenda for Action and she invited States in other regions to take similar initiatives. Leaders of 25 countries of the European Union and Asia, as well as the European Commission, meeting at the Second Asia-Europe Summit in early April, had approved a joint initiative on child protection designed to establish a framework for practical cooperation between Asia and Europe in combating the sexual exploitation of children. Representatives of the police, child protection experts and NGOs were to meet in London in October. The EU urged the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography to redouble its efforts with a view to the completion of the draft before the tenth anniversary of the Convention and to show maximum flexibility in its working methods so that that goal could be achieved.

68. Responsibility for ending violations of the rights of the child in periods of conflict rested not only with Governments, but also with non-governmental groups involved in such conflicts, and those groups should respect international humanitarian standards. The EU welcomed the appointment of the Secretary-General's Special Representative for children in armed conflict, an appointment which should help foster concerted international action, and called upon Governments and all relevant United Nations bodies to support his work. It believed that the statute of the future International Criminal Court should include a provision on war crimes in order to help prevent the use of children as soldiers.

69. The European Union, which had reaffirmed its determination to ensure the complete elimination of anti-personnel landmines by deciding in 1997 to extend its moratorium on the export of such mines to include imports and production, welcomed the conclusion of the Ottawa Convention. It was greatly concerned to note that the Working Group on the draft optional protocol on involvement of children in armed conflicts had been unable to finalize such a protocol at its fourth session. In order to have sufficient time for consultations, the Working Group should hold its next session prior to the fifty-sixth session of the Commission in the year 2000. The EU strongly urged the member countries of the Working Group which had difficulties with the text to reconsider their position carefully and to participate constructively in negotiations in order to enable the text to be finalized.

70. In conclusion, the European Union called on special rapporteurs and working groups to keep in mind the interests of children in the course of their work and requested all States parties to seek ways of integrating considerations relating to children into their laws, programmes and policies with a view to achieving universal protection of the rights of the child.

71. Mr. Selebi (South Africa) resumed the Chair.

72. Mrs. FURTER (Venezuela), referring to the Convention on the Rights of the Child, said that she would comment only on the situation of children and adolescents who had behavioural problems, took part in criminal acts or directly infringed the penal law, as well as their recovery and social reintegration (arts. 37, 39 and 40 of the Convention). States parties to the Convention were required to set up legislation, procedures, authorities and institutions specially designed for minors. The consideration of reports submitted by States parties to the Committee on the Rights of the Child showed that the implementation of the relevant provisions of that instrument left much to be desired. In that connection, it was worrying that, in certain countries, minors were still labelled as delinquents or prostitutes and treated as such, whereas, in most cases, they were merely victims.

73. An exchange of ideas between States parties, members of the Committee and civil society could do much to ensure better implementation of the Convention in general and of articles 37, 39 and 40 in particular. Since the Convention had 191 States parties, the Committee's experts might have some difficulty in appreciating the problem in all its diversity. States parties should therefore ratify the amendment to article 43, paragraph 2, increasing the number of Committee members from 10 to 18, and the Commission on Human

Rights should make a thorough study of the implementation of articles 37, 39 and 40 of the Convention so that the necessary measures could be adopted.

74. With regard to the sale of children, child prostitution and child pornography, Venezuela was convinced that the best way to prevent such practices was to ensure the exercise of economic, social and cultural rights. Human nature being what it was, however, it was also essential to impose severe penalties on any adult profiting from the exploitation of minors or, in other words, to give effect to the provisions of articles 35 and 36 of the Convention. To that end, Venezuela would continue to participate actively in the preparation of the optional protocol, which it believed should be as wide in scope as possible to enable States parties to punish severely any adult guilty of the crimes concerned. At the same time, it would continue to make efforts to mobilize the resources required for the rehabilitation of children who were victims of such practices.

75. Her delegation was also following with great interest the work being done on a draft optional protocol to the Convention on the involvement of children in armed conflicts and would do all it could to ensure that negotiations were concluded at the forthcoming session.

76. As a sponsor of the draft resolution on the rights of the child, Venezuela hoped that the text adopted would strengthen the principles embodied in the Convention. One of the great merits of that instrument was its global approach to the protection of the child and, in that connection, it was extremely important to make sure that all related questions, especially the situation of minors who were in conflict with the law or deprived of their liberty, were considered in the context of the rights of the child.

77. Mr. OTERMIN (Uruguay) said that his country had always been a strong defender of the rights of the child. It was aware of the important role of education in eliminating social inequalities and had accordingly made the principle of free education at all levels a reality at a very early stage. Following the reforms of 1995, emphasis had been placed on pre-school education, which was now available to an increasing number of children: it was soon to be extended to all and made compulsory. In addition to those institutional changes, steps had been taken to assist children who belonged to the most vulnerable population groups and who now benefited from programmes providing diet supplements and full-time schooling. Significant results had also been achieved in the health field, where pregnancy and birth monitoring programmes and prenatal services had substantially reduced infant mortality rates.

78. At the international level, Uruguay was participating actively in the preparation of two draft optional protocols to the Convention on the Rights of the Child. With regard to the activities of the Working Group on a draft protocol on the sale of children, child prostitution and child pornography, Uruguay hoped that the international community would take measures preventing the sale, trafficking or abduction of children for whatever purpose, not only for purposes of sexual exploitation. Within the Working Group on a draft optional protocol on involvement of children in armed conflicts, his delegation was urging that the minimum age set in article 38 of the Convention for taking part in hostilities and joining the armed forces should be raised

to 18 years. When ratifying the Convention, Uruguay had taken a firm stand on the matter and, in fact in Uruguay, no child who had not reached the age of 18 could be recruited to the armed forces.

79. As shown by events that occasionally made headline news, today's society unfortunately seemed increasingly far removed from the principles embodied in the Convention and, in particular, from the provisions of article 29 relating to education. In the United States two children of 11 and 13 years of age had recently opened fire with high-calibre weapons on their classmates, causing a number of deaths. That incident had been largely the result of the cult of violence instilled in children through television and the cinema. It was high time for the international community to tackle that serious problem by ensuring that a "peace culture" replaced the existing cult of violence.

The meeting rose at 6 p.m.